

REMARKS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-4, 9, 14, 20 and 22-27 are pending in the present application. Claims 1-3 have been amended to address cosmetic matters of form and to PRESENT the subject matter IN A FORM consistent with that of allowed Claim 4. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1 and 3 stand rejected under 35 U.S.C. § 102 over Chandra et al. (U.S. Patent 4,903,296, hereinafter Chandra); Claims 25 and 27 stand rejected under 35 U.S.C. § 102 over Heer et al. (U.S. Patent No. 5,999,629, hereinafter Heer); and Claims 2 and 3 stand rejected under 35 U.S.C. § 103 as being unpatentable over Chandra; and Claims 4, 9, 14, 20, 22, 24 and 26 stand allowed.

Applicants appreciatively acknowledge the identification of allowable subject matter.

APPLICATION FILING DATE

Applicants respectfully direct the Examiner's attention to the Request for Corrected Official Filing Receipt, filed September 19, 2001. The Official Filing Receipt indicates that the present Application was filed on November 8, 2000; however, this Application was filed October 17, 2000. Applicants respectfully request that the Examiner have the Application filing date corrected accordingly.

REJECTION UNDER 35 U.S.C. § 102

The Official Action has rejected Claims 1 and 3 under 35 U.S.C. § 102 as being unpatentable over Chandra. The Official Action states that Chandra discloses all the Applicants' claim limitations. Applicants respectfully traverse the rejection.

Chandra describes a software copy protection scheme in which software is distributed on a disk having specialized indicia recorded thereon which is not modifiable by a disk write process.¹ As shown in Figures 2.0-2.3, special indicia markings are provided on the disk which are used in cooperation with support hardware in which the disk markings are utilized as a key for decrypting the software on the disk.² As any pirating of the disk would necessitate copying the marks on the disk which are not readily made by conventional hardware, piracy is avoided. Likewise, as the decryption of the software is limited to a specific hardware support device, the software is not readily transferred to a further hardware device.³

Conversely, in an exemplary embodiment of the Applicants' invention, an information processing apparatus is provided with a content data storage area which includes content data and content management information for managing the content data. The content management information is analyzed to ensure that it is not falsified. Chandra describes only that copying is prevented only on the computing machine containing the tamperproof co-processor. Accordingly, Chandra does not disclose or suggest Applicants' information processing apparatus as recited in Applicants' amended Claim 1, nor any claim dependent therefrom by virtue of claim dependency.

Accordingly, Applicants respectfully request the rejection of Claims 1 and 3 under 35 U.S.C. § 102 be withdrawn.

The Official Action has rejected Claims 25 and 27 under 35 U.S.C. § 102 as being anticipated by Heer. The Official Action states that Heer discloses all the Applicants' claim limitations. Applicants respectfully traverse the rejection.

¹ Chandra at column 13, lines 11-19.

² Chandra at column 7, lines 34-53.

³ Chandra column 8, lines 1-20.

At the outset, Applicants respectfully note that as Claim 22 stands allowed and, as Claims 25 and 27 recite substantially similar limitations to Claim 22, Applicants respectfully submit that Claims 25 and 27 are likewise allowable. However, in interest of advancing prosecution Applicants will present arguments with respect to the Heer reference.

Heer describes a security module (30). The security module 30 generates a number of unique encryption keys, e.g., respective random numbers, known only to the security module. One of the unique keys is a local storage variable key. A second random number is used as a private identification key for uniquely identifying the security module.⁴ The local storage key is utilized to encrypt each of the private identification key and variable encryption key.

Conversely, an exemplary embodiment of the Applicants' invention as recited in Claim 25, an information processing method includes holding a predetermined lock and save key wherein the lock key is utilized to make a mutual authentication between communicating devices for generating a communication key. The save key is utilized to encrypt the communication key. Data is then stored correspondingly to the communication key. In this way, a lock key is utilized for authenticating data and a save key is utilized for storing data. Heer only describes storing the local storage key, it does not store the PK_{ID} key (i.e., save key). Accordingly, Applicants respectfully submit that Claim 25 and, Claim 27 which recite substantially similar limitations to that of Claim 25 is allowable over the cited art.

Accordingly, Applicants respectfully request that the rejection of Claims 25 and 27 under 35 U.S.C. § 102 be withdrawn.

⁴ Heer at column 3, lines 5-33.

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 2 and 3 under 35 U.S.C. § 103 as being unpatentable over Chandra. The Official Action contends that Chandra discloses or suggests all of the Applicants' claim limitations. Applicants respectfully traverse the rejection.

As noted above, Chandra does not disclose all of the limitations for which it has been asserted with respect to the amended claims. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been presented. As Chandra does not disclose or suggest all of the Applicants' claim limitations as recited in Claims 2 and 3, Applicants respectfully request that the rejections of Claims 2 and 3 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application, including Claims 1-4, 9, 14, 20 and 22-27, are patentably distinguishing over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Scott A. McKeown
Registration No. 42,866